



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/145712

PRELIMINARY RECITALS

Pursuant to a petition filed December 05, 2012, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on January 3, 2013 and on April 16, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly determined the Petitioner was eligible for 15 hours/week of child care benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Nikitia Howse
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On October 12, 2012, Petitioner requested child care benefits for her great-grandchildren.
3. On October 22, 2012, the agency issued an authorization for one child for 22 hours/week.

4. Petitioner is employed 20 hours/week.
5. Petitioner's husband is employed part-time, working 7.25 hours/week. He attends school 8 hours/week.
6. On December 4, 2012, the agency issued a Notice of Eligibility Child Care to the Petitioner informing her that she is eligible for child care benefits.
7. On December 5, 2012, the agency issued an authorization to the Petitioner for two children for 15 hours/week of child care.
8. On December 5, 2012, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); W-2 Manual, §15.2.0. If both parents are in the household both must be working or attending W-2 activities. Wis. Adm. Code, §DCF 101.26(1).

The Wisconsin Share Child Care Assistance Manual sets out the Department's policies for operating the program. The Manual, at §3.6.18, provides: "In all two-parent households, the number of hours authorized for child care should cover only the overlapping hours when both parents are participating in approved activities."

In this case, the agency initially had no verification of the Petitioner's husband's school schedule or verification of his enrollment in the PACE program. The Petitioner stated at the first hearing that she works approximately 20 hours/week. She appealed because she believed that the 15 hours/week that was authorized was insufficient. The hearing was adjourned to allow the Petitioner to submit additional information about her employment as well as her husband's employment and school schedule to the agency.

The Petitioner did submit her husband's school schedule as well as two of her pay statements from February, 2013. The agency reviewed this information. The Petitioner's most recent pay statements were submitted and indicate that for the two week period ending February 1, 2013, the Petitioner worked 42 hours. For the two week period ending February 15, 2013, the Petitioner worked 40 hours. This confirms her testimony at the hearing that she works approximately 20 hours/week. The Petitioner's husband's school schedule verifies that he is attending school approximately 8 hours/week. The Petitioner's husband's earning statements from October, 2012 were produced at the hearing and demonstrate that he worked 7.25 hours/week.

Based on the evidence, I conclude that the agency properly determined the Petitioner is eligible for 15 hours/week of child care. If the Petitioner or her husband's schedule or hours change, she is not precluded from requesting additional hours and presenting information to demonstrate why additional hours are necessary to the agency.

CONCLUSIONS OF LAW

The agency properly determined the Petitioner is eligible for 15 hours/ week of child care benefits.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

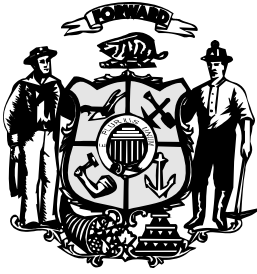
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 9th day of May, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 9, 2013.

Milwaukee Enrollment Services
Child Care Benefits